

carrier for only the portion(s) of the trip for which you were authorized to use foreign air carrier service. The agency must establish internal procedures for denying reimbursement to travelers when use of a foreign air carrier was neither authorized nor otherwise permitted under this regulation.

Dated: November 5, 1998.

**David J. Barram,**

*Administrator of General Services.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants

##### CFR Correction

In Title 50 of the Code of Federal Regulations, parts 1 to 199, revised as of Oct. 1, 1997, § 17.44 is corrected by adding paragraph (v) as follows:

#### § 17.44 Special rules—fishes.

\* \* \* \* \*

(v) Gulf sturgeon (*Acipenser oxyrinchus desotoi*). (1) No person shall take this species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, or other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any of this species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (v)(1) through (3) of this section.

(5) Taking of this species for purposes other than those described in paragraph (v)(1) of this section, including taking incidental to otherwise lawful activities, is prohibited except when permitted under 50 CFR 17.32.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 644

[Docket No. 981109279-8279-01; I.D. 020398B]

RIN 0648-AM02

#### Atlantic Marlin Adjustable Bag Limit Provision

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Interim rule; technical amendment.

**SUMMARY:** By the interim rule, published in the **Federal Register** on March 24, 1998, NMFS increased the minimum size limits for Atlantic blue marlin (BUM) and Atlantic white marlin (WHM), respectively, and required operators of Atlantic billfish sport fishing tournaments to notify NMFS at least 4 weeks prior to tournament commencement. On September 29, 1998, NMFS extended the period of the interim rule for an additional 180 days and amended it to increase the minimum size limit for Atlantic BUM to 99 inches lower jaw-fork length (LJFL) (251 cm), to establish a recreational bag limit of one Atlantic BUM or WHM per vessel per trip and to grant the Assistant Administrator for Fisheries, NOAA (AA), authority to adjust the bag limit, including adjusting it to zero. The current action amends the interim rule to remove the provision allowing the AA to adjust the bag limit.

**DATES:** Effective November 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Buck Sutter, 813-570-5447; fax: 813-570-5364.

**SUPPLEMENTARY INFORMATION:** The International Convention for the Conservation of Atlantic Tunas (ICCAT) adopted a recommendation in 1997 with several measures to address the condition of billfish resources throughout the Atlantic Ocean, including reducing Atlantic BUM and Atlantic WHM landings by at least 25 percent from 1996 limits, starting in 1998, to be accomplished by the end of 1999. In September 1997, NMFS designated BUM and WHM as being overfished. In response to the ICCAT recommendation, as required by Atlantic Tunas Convention Act (ATCA), and in an effort to reduce overfishing, NMFS promulgated a 180-day interim rule (63 FR 14030, March 24, 1998) under section 305(c) of the Magnuson

Fishery Conservation and Management Act (Magnuson-Stevens Act). The interim rule increased the minimum size of Atlantic BUM and WHM that could be retained by U.S. recreational anglers and required operators of Atlantic billfish sport fishing tournaments to notify NMFS at least 4 weeks prior to tournament commencement. The interim rule was extended for an additional 180 days, beginning September 24, 1998, and amended to increase the minimum size limit for Atlantic BUM to 99 inches (251 cm), to establish a recreational bag limit of one Atlantic BUM or WHM per vessel per trip, and to grant the AA authority to adjust the bag limit up or down, including to zero if the landing limits for BUM and WHM are reached (26.2 mt and 2.48 mt, respectively), as determined by the most recent tournament and other landings data (63 FR 51859, September 29, 1998).

It is highly unlikely that the interim authority granted the AA to adjust the bag limit would have to be used by March 19, 1999, the date the interim rule expires. The BUM and WHM recreational angling seasons in the United States generally occur between May and September. The best currently available scientific information indicates that the ICCAT-recommended landing limits for BUM and WHM have not been exceeded thus far during 1998. In addition, the NMFS Recreational Billfish Survey indicates that no landings of BUM or WHM have been observed from October through February over the last 3 years of the survey (1995 to 1997). Under 50 CFR 644.20, the fishing year and associated landing limits run from January 1 to December 31. At the initiation of the new fishing year on January 1, 1999, the landing limits start again at 26.2 mt BUM and 2.48 mt WHM. Based on the landings data for 1995 through 1997, 0 percent of the landings for both BUM and WHM are taken during January and February, and only 3.6 percent of BUM and 1.6 percent of WHM are taken during March. It is, therefore, highly unlikely that there would be any need to adjust the bag limit of one fish per vessel per trip downward for the remainder of 1998, or from January 1, 1999, through March 19, 1999, in order to ensure compliance with ICCAT-recommended landing limits.

NMFS has received public comment on the interim rule, and on October 9, 1998 (63 FR 54433) NMFS published a notice of availability of draft Amendment 1 to the Atlantic Billfish Fishery Management Plan (Billfish FMP), with a request for comments by January 7, 1999. Draft Amendment 1 to